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HOUSE BILL 3085

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State of Washington

55th Legislature

1998 Regular Session

By Representative Linville

Read first time . Referred to Committee on .

1 AN ACT Relating to promoting flood safety through local planning;  
2 amending RCW 86.12.010, 86.12.020, 86.12.030, 86.12.034, 86.12.200,  
3 86.12.210, 86.12.220, 36.70A.150, 36.70A.160, 64.06.020, and 86.26.007;  
4 adding new sections to chapter 86.12 RCW; adding a new section to  
5 chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; and  
6 creating new sections.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
9 establish an enhanced flood hazard reduction program that improves  
10 safety, enhances environmental resources, creates consistency between  
11 planning requirements, and facilitates streamlining at state and  
12 federal levels. It is further the intent of the legislature that the  
13 department of ecology work with federal agencies to develop a general  
14 permit for flood management activities in order to streamline the  
15 permitting process for projects included in an enhanced flood  
16 management plan. The additional requirements of an enhanced flood  
17 management plan are established with the intent that a general permit  
18 be obtained. This voluntary program of enhanced planning maximizes  
19 public gain through the use of flood-prone areas for safe public

1 enjoyment, enhancement of fish and wildlife habitat, and improvement of  
2 water quality. This program also promotes a long-term, fiscally  
3 conservative approach toward flood hazard reduction and flood  
4 preparedness, and safeguards the lives of our state's citizens by  
5 minimizing the risks associated with future flood events, and increases  
6 flood-threat awareness among the citizens of Washington state.

7 **COUNTY FLOOD (~~CONTROL~~) SAFETY**

8 **Sec. 2.** RCW 86.12.010 and 1973 1st ex.s. c 195 s 129 are each  
9 amended to read as follows:

10 The county commissioners of any county may annually levy a tax,  
11 beginning with the year 1907, in such amount as, in their judgment they  
12 may deem necessary or advisable, but not to exceed twenty-five cents  
13 per thousand dollars of assessed value upon all taxable property in  
14 such county, for the purpose of creating a fund to be known as "river  
15 improvement fund." There is hereby created in each such river  
16 improvement fund an account to be known as the "flood (~~control~~)  
17 safety maintenance account."

18 **Sec. 3.** RCW 86.12.020 and 1970 ex.s. c 30 s 10 are each amended to  
19 read as follows:

20 (~~Said~~) The river improvement fund shall be expended for the  
21 purposes as provided in this chapter (~~provided~~). Any county, for the  
22 (~~control~~) safe management of waters subject to flood conditions from  
23 streams, tidal or other bodies of water affecting such county, may  
24 inside or outside the boundaries of such county, construct, operate  
25 (~~and~~), maintain, modify, remove, redesign, or relocate dams and  
26 impounding basins and dikes, levees, revetments, bulkheads, rip-rap or  
27 other protection; may, consistent with chapter 75.20 RCW, remove bars,  
28 logs, snags and debris from and clear, deepen, widen, straighten,  
29 change, relocate or otherwise (~~improve~~) modify and maintain stream  
30 channels, main or overflow; may acquire any real or personal property  
31 or rights and interest therein for the prosecution of such works or to  
32 preserve any flood plain or regular or intermittent stream channels  
33 from any interference to the free or natural flow of flood or storm  
34 water; and may construct, operate, and maintain any and all other  
35 works, structures, and improvements necessary for such (~~control~~) safe  
36 management; and for any such purpose may purchase, condemn, or

1 otherwise acquire land, property, or rights, including beds of  
2 nonnavigable waters and state, county, and school lands and property  
3 and may damage any land or other property for any such purpose, and may  
4 condemn land and other property and rights and interests therein and  
5 damage the same for any other public use after just compensation having  
6 been first made or paid into court for the owner in the manner  
7 prescribed in this chapter. The purposes specified in this chapter  
8 (~~specified~~) are (~~hereby~~) declared to be county purposes.

9       **Sec. 4.** RCW 86.12.030 and 1941 c 204 s 10 are each amended to read  
10 as follows:

11       The taking and damaging of land, property, or rights therein or  
12 thereto by any county, either inside or outside of such county, for  
13 flood (~~control~~) safety purposes of the county is (~~hereby~~) declared  
14 to be for a public use. Such eminent domain proceedings shall be in  
15 the name of the county, shall be had in the county where the property  
16 is situated, and may unite in a single action proceedings to condemn  
17 for county use property held by separate owners, the jury to return  
18 separate verdicts for the several lots, tracts, or parcels of land, or  
19 interest therein, so taken or damaged. The proceedings may conform to  
20 the provisions of (~~sections 921 to 926, inclusive, of Remington's~~  
21 ~~Revised Statutes~~) RCW 8.20.010 through 8.20.080, or to any general law  
22 now or hereafter enacted governing eminent domain proceedings by  
23 counties. The title so acquired by the county shall be the fee simple  
24 title or such lesser estate as shall be designated in the decree of  
25 appropriation. The awards in and costs of such proceedings shall be  
26 payable out of the river improvement fund.

27       **Sec. 5.** RCW 86.12.034 and 1963 c 90 s 1 are each amended to read  
28 as follows:

29       Whenever a county of this state, acting pursuant to RCW 86.12.010  
30 through 86.12.033, shall make (~~an improvement~~) a modification in  
31 connection with the course, channel, or flow of a navigable river,  
32 thereby causing it to abandon its existing channel, bed, bank, or banks  
33 for the entire distance covered by (~~said improvement~~) the  
34 modification, or for any part or portion thereof, or by (~~said~~  
35 ~~improvement~~) the modification shall prevent a river from resuming at  
36 a future time an ancient or abandoned channel or bed, or shall  
37 construct (~~improvements~~) modifications intended so to do, all the

1 right, title and interest of the state of Washington in and to ((said))  
2 the abandoned channel or channels, bed or beds, bank or banks, up to  
3 and including the line of ordinary high water, shall ((be and the same  
4 is hereby given, granted and)) remain in the state of Washington unless  
5 expressly conveyed to the county making such ((improvement: PROVIDED,  
6 HOWEVER, That)) a modification. The conveyance shall be preferred when  
7 the county places the abandoned lands in a use benefiting the public,  
8 such as in a flood hazard corridor. However, any such gift, grant or  
9 conveyance shall be subject to any right, easement or interest  
10 heretofore given, granted or conveyed to any agency of the state.

11 **COMPREHENSIVE FLOOD ((CONTROL)) HAZARD MANAGEMENT PLANS**

12 **Sec. 6.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to read  
13 as follows:

14 The county legislative authority of any county may adopt a  
15 comprehensive flood ((control)) hazard management plan for any drainage  
16 basin that is located wholly or partially within the county.

17 A basic comprehensive flood ((control)) hazard management plan  
18 shall include at least the following elements:

19 (1) Designation of areas that are susceptible to periodic flooding,  
20 from inundation by bodies of water or surface water runoff, or both,  
21 including the river's meander belt ((or)) and floodway;

22 (2) Establishment of a comprehensive scheme of flood ((control  
23 protection and improvements)) hazard management for the areas that are  
24 subject to such periodic flooding, that includes: (a) Determining the  
25 need for, and desirable location of, flood ((control improvements))  
26 hazard reduction projects to protect or preclude flood damage to  
27 structures, works, and improvements, based upon a cost/benefit ratio  
28 between the expense of providing and maintaining these improvements and  
29 the benefits arising from these improvements; (b) establishing the  
30 level of flood protection that each portion of the system of flood  
31 ((control improvements)) hazard reduction will ((be permitted)) permit;  
32 (c) identifying alternatives to in-stream flood control work; (d)  
33 identifying areas where flood waters could be directed during a flood  
34 to avoid damage to buildings and other structures; and (e) identifying  
35 sources of revenue that will be sufficient to finance the comprehensive  
36 scheme of flood ((control protection and improvements)) hazard  
37 management;

1 (3) Establishing land use regulations that preclude the location of  
2 structures, works, or improvements in critical portions of such areas  
3 subject to periodic flooding, including a river's meander belt (~~(or)~~)  
4 and floodway, and permitting only flood-compatible land uses in such  
5 areas;

6 (4) Establishing through local ordinances restrictions on  
7 construction activities in areas subject to periodic floods that  
8 require the flood proofing of those structures that are permitted to be  
9 constructed or remodeled; and

10 (5) Establishing through local ordinances restrictions on land  
11 clearing activities and development practices that exacerbate flood  
12 problems by increasing the flow or accumulation of flood waters, or the  
13 intensity of drainage, on low-lying areas. Land clearing activities do  
14 not include forest practices as defined in chapter 76.09 RCW.

15 A basic comprehensive flood (~~(control)~~) hazard management plan  
16 shall be subject to the minimum requirements for participation in the  
17 national flood insurance program, requirements exceeding the minimum  
18 national flood insurance program that have been adopted by the  
19 department of ecology for a specific flood plain pursuant to RCW  
20 86.16.031, and rules adopted by the department of ecology pursuant to  
21 RCW 86.26.050 relating to flood plain management activities. When a  
22 county plans under chapter 36.70A RCW, it may incorporate the portion  
23 of its comprehensive flood (~~(control)~~) hazard management plan relating  
24 to land use restrictions in its comprehensive plan and development  
25 regulations adopted pursuant to chapter 36.70A RCW.

26 NEW SECTION. Sec. 7. In order to qualify for streamlined state  
27 and federal permitting, counties may elect to plan at an enhanced  
28 level. An enhanced comprehensive flood hazard management plan must  
29 include the required elements of RCW 86.12.200, and must also:

30 (1) Identify primary public needs. Primary public needs may  
31 include, in addition to safeguarding public life and health,  
32 preservation of water quality, enhancement of public recreation,  
33 restoration of riparian and aquatic habitat, creation of floodwater  
34 storage areas, and protection of public infrastructure, such as  
35 transportation corridors and sewage treatment facilities that are  
36 located in the flood plain;

- 1 (2) Identify high-danger areas. High-danger areas are areas that  
2 have suffered repeat damage due to inundation or areas that suffer  
3 significant flood related erosion;
- 4 (3) Identify flood hazard corridors, including, at a minimum, the  
5 floodway, and high-danger areas. Flood hazard corridors may also  
6 include any or all of the following: Floodwater storage areas, a  
7 buffer area adjacent to the floodway, the meander belt, and wetlands  
8 within the one hundred year flood plain;
- 9 (4) Establish land use restrictions that allow only flood-  
10 compatible uses within the flood hazard corridor. Flood-compatible  
11 uses include low-intensity recreational uses, wetland mitigation  
12 banking, open space, fish and wildlife improvement areas, and either  
13 storm water retention ponds, or detention ponds, or both;
- 14 (5) Include restrictive land use policies for frequently flooded  
15 areas identified in accordance with chapter 36.70A RCW;
- 16 (6) Identify detailed public flood hazard reduction projects;
- 17 (7) Include a sediment management strategy;
- 18 (8) Include a fish habitat mitigation or restoration strategy;
- 19 (9) Prioritize locations from within high-danger areas and flood  
20 hazard corridors for fee and less than fee acquisition;
- 21 (10) Identify where projects may encumber state-owned or managed  
22 lands;
- 23 (11) Include a flood safety education component;
- 24 (12) Be consistent with elements of the state flood reduction plan;
- 25 (13) Identify a funding strategy for plan implementation; and
- 26 (14) Be reviewed under the state environmental policy act, chapter  
27 43.21C RCW.

28 NEW SECTION. **Sec. 8.** Enhanced flood hazard management plans must  
29 have joint review and approval by the departments of ecology and fish  
30 and wildlife. Both the department of ecology and the department of  
31 fish and wildlife are authorized at the time of plan review and  
32 approval to reject specific projects described within the plan that  
33 would violate chapter 75.20, 90.48, or 90.58 RCW. The adopting local  
34 government shall request advisory review and recommendation from  
35 affected area tribes and from the local shoreline planner. The  
36 adopting local government may request advisory review from the  
37 Washington state parks and recreation commission, and the department of  
38 natural resources regarding lands identified for acquisition to

1 determine suitability for holdings as state lands. The adopting local  
2 government shall advise the affected state agency when projects are  
3 determined to encumber state-owned or managed lands.

4 NEW SECTION. **Sec. 9.** Public flood hazard reduction projects  
5 identified in detail in enhanced plans and not rejected by the  
6 department of ecology or the department of fish and wildlife during  
7 plan approval:

8 (1) Receive additional consideration for flood control assistance  
9 account program project funding;

10 (2) Receive additional consideration under the emergency management  
11 division/department of ecology memorandum of agreement for state and  
12 federal funds in both postdisaster and nonemergency flood mitigation  
13 funding;

14 (3) Are exempt from individual state environmental policy act  
15 review;

16 (4) Have priority for inclusion under the five-year maintenance  
17 agreements under chapter 75.20 RCW;

18 (5) Receive forty-five day maximum review when the federal clean  
19 water act (33 U.S.C. Sec. 1341) or federal coastal zone management  
20 review (16 U.S.C. Sec. 1456) are triggered.

21 NEW SECTION. **Sec. 10.** Comprehensive flood hazard management plans  
22 must be reviewed and updated every ten years. Plans that were approved  
23 prior to 1990 must be reviewed and updated by 2001. Updates to basic  
24 plans must be jointly reviewed by the department of ecology and the  
25 department of fish and wildlife, with approval by the department of  
26 ecology. Enhanced plans must be reviewed and approved consistent with  
27 section 8 of this act.

28 **Sec. 11.** RCW 86.12.210 and 1991 c 322 s 4 are each amended to read  
29 as follows:

30 A comprehensive flood (~~control~~) hazard management plan that  
31 includes an area within which a city or town, or a special district  
32 subject to chapter 85.38 RCW, is located shall be developed by the  
33 county with the full participation of officials from the city, town, or  
34 special district, including conservation districts, and appropriate  
35 state and federal agencies. Where a comprehensive flood (~~control~~)  
36 hazard management plan is being prepared for a river basin that is part

1 of the common boundary between two counties, the county legislative  
2 authority of the county preparing the plan may allow participation by  
3 officials of the adjacently located county.

4 Following adoption by the county, city, or town, a comprehensive  
5 flood (~~control~~) hazard management plan shall be binding on each  
6 jurisdiction and special district that is located within an area  
7 included in the plan. If within one hundred twenty days of the  
8 county's adoption, a city or town does not adopt the comprehensive  
9 flood (~~control~~) hazard management plan, the city or county shall  
10 request arbitration on the issue or issues in dispute. If parties  
11 cannot agree to the selection of an arbitrator, the arbitrator shall be  
12 selected according to the process described in RCW 7.04.050. The cost  
13 of the arbitrator shall be shared equally by the participating parties  
14 and the arbitrator's decision shall be binding. Any land use  
15 regulations and restrictions on construction activities contained in a  
16 comprehensive flood (~~control~~) hazard management plan applicable to a  
17 city or town shall be minimum standards that the city or town may  
18 exceed. A city or town undertaking flood or storm water control  
19 activities consistent with the comprehensive flood (~~control~~) hazard  
20 management plan shall retain authority over such activities.

21 **Sec. 12.** RCW 86.12.220 and 1991 c 322 s 5 are each amended to read  
22 as follows:

23 A county may create one or more advisory committees to assist in  
24 the development of proposed comprehensive flood (~~control~~) hazard  
25 management plans and to provide general advice on flood problems. The  
26 advisory committees may include city and town officials, officials of  
27 special districts subject to chapter 85.38 RCW, conservation districts,  
28 appropriate state and federal officials, and officials of other  
29 counties and other interested persons.

30 **Sec. 13.** RCW 36.70A.150 and 1991 c 322 s 23 are each amended to  
31 read as follows:

32 Each county and city that is required or chooses to prepare a  
33 comprehensive land use plan under RCW 36.70A.040 shall identify lands  
34 useful for public purposes such as utility corridors, transportation  
35 corridors, flood hazard corridors identified under chapter 86.12 RCW,  
36 landfills, sewage treatment facilities, storm water management  
37 facilities, recreation, schools, and other public uses. The county

1 shall work with the state and the cities within its borders to identify  
2 areas of shared need for public facilities. The jurisdictions within  
3 the county shall prepare a prioritized list of lands necessary for the  
4 identified public uses including an estimated date by which the  
5 acquisition will be needed.

6 The respective capital acquisition budgets for each jurisdiction  
7 shall reflect the jointly agreed upon priorities and time schedule.

8 **Sec. 14.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to  
9 read as follows:

10 Each county and city that is required or chooses to prepare a  
11 comprehensive land use plan under RCW 36.70A.040 shall identify open  
12 space corridors within and between urban growth areas. They shall  
13 include lands useful for recreation, wildlife habitat, trails, any  
14 flood hazard corridor established under chapter 86.12 RCW, and  
15 connection of critical areas as defined in RCW 36.70A.030.  
16 Identification of a corridor under this section by a county or city  
17 shall not restrict the use or management of lands within the corridor  
18 for agricultural or forest purposes. Restrictions on the use or  
19 management of such lands for agricultural or forest purposes imposed  
20 after identification solely to maintain or enhance the value of such  
21 lands as a corridor may occur only if the county or city acquires  
22 sufficient interest to prevent development of the lands or to control  
23 the resource development of the lands. The requirement for acquisition  
24 of sufficient interest does not include those corridors regulated by  
25 the interstate commerce commission, under provisions of 16 U.S.C. Sec.  
26 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912. Nothing in this  
27 section shall be interpreted to alter the authority of the state, or a  
28 county or city, to regulate land use activities.

29 The city or county may acquire by donation or purchase the fee  
30 simple or lesser interests in these open space corridors using funds  
31 authorized by RCW 84.34.230 or other sources.

32 **Sec. 15.** RCW 64.06.020 and 1996 c 301 s 2 are each amended to read  
33 as follows:

34 (1) In a transaction for the sale of residential real property, the  
35 seller shall, unless the buyer has expressly waived the right to  
36 receive the disclosure statement, or unless the transfer is exempt  
37 under RCW 64.06.010, deliver to the buyer a completed real property

1 transfer disclosure statement in the following format and that  
2 contains, at a minimum, the following information:

3 INSTRUCTIONS TO THE SELLER

4 Please complete the following form. Do not leave any spaces blank. If  
5 the question clearly does not apply to the property write "NA". If the  
6 answer is "yes" to any \* items, please explain on attached sheets.  
7 Please refer to the line number(s) of the question(s) when you provide  
8 your explanation(s). For your protection you must date and sign each  
9 page of this disclosure statement and each attachment. Delivery of the  
10 disclosure statement must occur not later than five business days,  
11 unless otherwise agreed, after mutual acceptance of a written contract  
12 to purchase between a buyer and a seller.

13 NOTICE TO THE BUYER

14 THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE  
15 CONDITION OF THE PROPERTY LOCATED AT . . . . .  
16 ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

17 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE  
18 BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS  
19 DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE THREE BUSINESS  
20 DAYS, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS  
21 SELLER'S DISCLOSURE STATEMENT TO RESCIND YOUR AGREEMENT BY DELIVERING  
22 YOUR SEPARATE SIGNED WRITTEN STATEMENT OF RESCISSION TO THE SELLER,  
23 UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE  
24 AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE  
25 NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.  
26 THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A  
27 PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.

28 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS  
29 PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A  
30 QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR  
31 EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS,  
32 ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. THE  
33 PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE  
34 OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE  
35 PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE,  
36 INSPECTION, DEFECTS OR WARRANTIES.

37 Seller . . . . is/ . . . . is not occupying the property.

1                   **I.     SELLER'S DISCLOSURES:**

2 \*If "Yes" attach a copy or explain.    If necessary use an attached  
3 sheet.

4                                   **1.   TITLE**

5 [ ]Yes [ ]No [ ]Don't know        A. Do you have legal authority to sell  
6 the property?

7 [ ]Yes [ ]No [ ]Don't know        \*B. Is title to the property subject to  
8 any of the following?

9                                   (1) First right of refusal

10                                  (2) Option

11                                  (3) Lease or rental agreement

12                                  (4) Life estate?

13 [ ]Yes [ ]No [ ]Don't know        \*C. Are there any encroachments,  
14 boundary agreements, or boundary  
15 disputes?

16 [ ]Yes [ ]No [ ]Don't know        \*D. Are there any rights of way,  
17 easements, or access limitations that  
18 may affect the owner's use of the  
19 property?

20 [ ]Yes [ ]No [ ]Don't know        \*E. Are there any written agreements  
21 for joint maintenance of an easement or  
22 right of way?

23 [ ]Yes [ ]No [ ]Don't know        \*F. Is there any study, survey project,  
24 or notice that would adversely affect  
25 the property?

26 [ ]Yes [ ]No [ ]Don't know        \*G. Are there any pending or existing  
27 assessments against the property?

28 [ ]Yes [ ]No [ ]Don't know        \*H. Are there any zoning violations,  
29 nonconforming uses, or any unusual  
30 restrictions on the subject property  
31 that would affect future construction  
32 or remodeling?

33 [ ]Yes [ ]No [ ]Don't know        \*I. Is there a boundary survey for the  
34 property?

35 [ ]Yes [ ]No [ ]Don't know        \*J. Are there any covenants,  
36 conditions, or restrictions which  
37 affect the property?

38                                   **2.   WATER**

A. Household Water

(1) The source of the water is  
[ ]Public [ ]Community [ ]Private  
[ ]Shared

(2) Water source information:

\*a. Are there any written agreements for shared water source?

\*b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

\*c. Are any known problems or repairs needed?

\*d. Does the source provide an adequate year round supply of potable water?

\*(3) Are there any water treatment systems for the property?  
[ ]Leased [ ]Owned

B. Irrigation

(1) Are there any water rights for the property?

\*(2) If they exist, to your knowledge, have the water rights been used during the last five-year period?

\*(3) If so, is the certificate available?

C. Outdoor Sprinkler System

(1) Is there an outdoor sprinkler system for the property?

\*(2) Are there any defects in the outdoor sprinkler system?

3. SEWER/SEPTIC SYSTEM

1 A. The property is served by:  
2 [ ]Public sewer main, [ ]Septic tank  
3 system [ ]Other disposal system  
4 (describe)  
5 . . . . .  
6 [ ]Yes [ ]No [ ]Don't know B. If the property is served by a  
7 public or community sewer main, is the  
8 house connected to the main?  
9 C. Is the property currently subject to  
10 a sewer capacity charge?  
11 D. If the property is connected to a  
12 septic system:  
13 [ ]Yes [ ]No [ ]Don't know (1) Was a permit issued for its  
14 construction, and was it approved  
15 by the city or county following  
16 its construction?  
17 (2) When was it last pumped:  
18 . . . . ., 19. . .  
19 [ ]Yes [ ]No [ ]Don't know \*(3) Are there any defects in the  
20 operation of the septic system?  
21 [ ]Don't know (4) When was it last inspected?  
22 . . . . ., 19. . .  
23 By Whom: . . . . .  
24 [ ]Don't know (5) How many bedrooms was the  
25 system approved for?  
26 . . . . . bedrooms  
27 [ ]Yes [ ]No [ ]Don't know \*E. Do all plumbing fixtures,  
28 including laundry drain, go to the  
29 septic/sewer system? If no,  
30 explain: . . . . .  
31 [ ]Yes [ ]No [ ]Don't know \*F. Are you aware of any changes  
32 or repairs to the septic system?  
33 [ ]Yes [ ]No [ ]Don't know G. Is the septic tank system,  
34 including the drainfield, located  
35 entirely within the boundaries of  
36 the property?

37 **4. STRUCTURAL**

38 [ ]Yes [ ]No [ ]Don't know \*A. Has the roof leaked?  
39 [ ]Yes [ ]No [ ]Don't know If yes, has it been repaired?

1 [ ]Yes [ ]No [ ]Don't know

\*B. Have there been any conversions, additions, or remodeling?

2  
3

4 [ ]Yes [ ]No [ ]Don't know

\*1. If yes, were all building permits obtained?

5

6 [ ]Yes [ ]No [ ]Don't know

\*2. If yes, were all final inspections obtained?

7

8 [ ]Yes [ ]No [ ]Don't know

C. Do you know the age of the house? If yes, year of original construction:

9

10

11

. . . . .

12 [ ]Yes [ ]No [ ]Don't know

\*D. Do you know of any settling, slippage, or sliding of either the house or other structures/improvements located on the property? If yes, explain:

13

14

15

16

17

. . . . .

18 [ ]Yes [ ]No [ ]Don't know

\*E. Do you know of any defects with the following: (Please check applicable items)

19

20

- 21     | Foundations                   | Decks                           | Exterior Walls
- 22     | Chimneys                    | Interior Walls                | Fire Alarm
- 23     | Doors                        | Windows                       | Patio
- 24     | Ceilings                    | Slab Floors                   | Driveways
- 25     | Pools                        | Hot Tub                        | Sauna
- 26     | Sidewalks                  | Outbuildings                 | Fireplaces
- 27     | Garage Floors            | Walkways
- 28     | Other                        | Wood Stoves

29 [ ]Yes [ ]No [ ]Don't know

\*F. Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed? . .

30

31

32

33 [ ]Yes [ ]No [ ]Don't know

\*G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?

34

35

36

37

38

1 **5. SYSTEMS AND FIXTURES**

2 If the following systems or fixtures  
3 are included with the transfer, do they  
4 have any existing defects:

- 5  Yes  No  Don't know \*A. Electrical system, including  
6 wiring, switches, outlets, and  
7 service
- 8  Yes  No  Don't know \*B. Plumbing system, including  
9 pipes, faucets, fixtures, and  
10 toilets
- 11  Yes  No  Don't know \*C. Hot water tank
- 12  Yes  No  Don't know \*D. Garbage disposal
- 13  Yes  No  Don't know \*E. Appliances
- 14  Yes  No  Don't know \*F. Sump pump
- 15  Yes  No  Don't know \*G. Heating and cooling systems
- 16  Yes  No  Don't know \*H. Security system  Owned   
17 Leased
- 18 \*I. Other . . . . .

19 **6. COMMON INTEREST**

- 20  Yes  No  Don't know A. Is there a Home Owners'  
21 Association? Name of Association  
22 . . . . .
- 23  Yes  No  Don't know B. Are there regular periodic  
24 assessments:  
25 \$. . . per  Month  Year  
26  Other . . . . .
- 27  Yes  No  Don't know \*C. Are there any pending special  
28 assessments?
- 29  Yes  No  Don't know \*D. Are there any shared "common  
30 areas" or any joint maintenance  
31 agreements (facilities such as  
32 walls, fences, landscaping, pools,  
33 tennis courts, walkways, or other  
34 areas co-owned in undivided  
35 interest with others)?

36 **7. GENERAL**

1 [ ]Yes [ ]No [ ]Don't know

\*A. Is there any settling, soil, standing water, or drainage problems on the property?

2  
3  
4 [ ]Yes [ ]No [ ]Don't know

\*B. Does the property contain fill material?

5  
6 [ ]Yes [ ]No [ ]Don't know

\*C. Is there any material damage to the property or any of the structure from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

7  
8  
9  
10  
11 [ ]Yes [ ]No [ ]Don't know

\*D. Is the property in a designated flood plain or has the property had flooding during the period of ownership or the preceding ten years, whichever is longer?

12  
13  
14  
15  
16  
17 [ ]Yes [ ]No [ ]Don't know

\*E. Are there any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property?

18  
19  
20  
21  
22  
23  
24  
25  
26 [ ]Yes [ ]No [ ]Don't know

\*F. Are there any tanks or underground storage tanks (e.g., chemical, fuel, etc.) on the property?

27  
28  
29  
30 [ ]Yes [ ]No [ ]Don't know

\*G. Has the property ever been used as an illegal drug manufacturing site?

31  
32

33 **8. FULL DISCLOSURE BY SELLERS**

34 A. Other conditions or defects:

35 [ ]Yes [ ]No [ ]Don't know

\*Are there any other material defects affecting this property or its value that a prospective buyer should know about?

36  
37

B. Verification:

38

39

1 The foregoing answers and attached  
2 explanations (if any) are complete and  
3 correct to the best of my/our knowledge  
4 and I/we have received a copy hereof.  
5 I/we authorize all of my/our real  
6 estate licensees, if any, to deliver a  
7 copy of this disclosure statement to  
8 other real estate licensees and all  
9 prospective buyers of the property.

10 DATE . . . . . SELLER . . . . . SELLER . . . . .

11 **II. BUYER'S ACKNOWLEDGMENT**

- 12 A. As buyer(s), I/we acknowledge the duty to pay  
13 diligent attention to any material defects which  
14 are known to me/us or can be known to me/us by  
15 utilizing diligent attention and observation.
- 16 B. Each buyer acknowledges and understands that the  
17 disclosures set forth in this statement and in  
18 any amendments to this statement are made only by  
19 the seller.
- 20 C. Buyer (which term includes all persons signing  
21 the "buyer's acceptance" portion of this  
22 disclosure statement below) hereby acknowledges  
23 receipt of a copy of this disclosure statement  
24 (including attachments, if any) bearing seller's  
25 signature.

26 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE  
27 BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF  
28 DISCLOSURE. YOU, THE BUYER, HAVE THREE BUSINESS DAYS, UNLESS OTHERWISE  
29 AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE  
30 STATEMENT TO RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED  
31 WRITTEN STATEMENT OF RESCISSION TO THE SELLER UNLESS YOU WAIVE THIS  
32 RIGHT OF RESCISSION.

33 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY  
34 TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES  
35 MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE  
36 LICENSEE OR OTHER PARTY.

37 DATE . . . . . BUYER . . . . . BUYER . . . . .

1 (2) The real property transfer disclosure statement shall be for  
2 disclosure only, and shall not be considered part of any written  
3 agreement between the buyer and seller of residential real property.  
4 The real property transfer disclosure statement shall be only a  
5 disclosure made by the seller, and not any real estate licensee  
6 involved in the transaction, and shall not be construed as a warranty  
7 of any kind by the seller or any real estate licensee involved in the  
8 transaction.

9 NEW SECTION. **Sec. 16.** A new section is added to chapter 36.70A  
10 RCW to read as follows:

11 The goals and policies of an approved comprehensive flood  
12 management plan adopted under chapter 86.12 RCW shall be considered an  
13 element of the county's comprehensive plan. A county may designate the  
14 development regulations implementing an approved enhanced comprehensive  
15 flood management plan as the development regulations required under RCW  
16 36.70A.060 to protect frequently flooded areas within the county.

17 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.21C  
18 RCW to read as follows:

19 Individual flood hazard reduction projects that have been reviewed  
20 under this chapter as part of the enhanced comprehensive flood hazard  
21 management plan requirements found in chapter 86.12 RCW, and that were  
22 not otherwise rejected by the department of fish and wildlife or the  
23 department of ecology during plan review and approval, are exempt from  
24 additional review under this chapter for a period not to exceed five  
25 years.

26 NEW SECTION. **Sec. 18.** In order to avoid project denials at the  
27 permit stage, the department of fish and wildlife, the department of  
28 ecology, and all other relevant state agencies are required to provide  
29 technical support and assistance to the planning counties during the  
30 enhanced flood hazard management plan review approval process.  
31 Further, the department of ecology shall work with federal agencies to  
32 develop a general permit to satisfy permit requirements of the federal  
33 clean water act (33 U.S.C. Sec. 401 et seq.) for flood hazard reduction  
34 activities.

1       **Sec. 19.** RCW 86.26.007 and 1997 c 149 s 914 are each amended to  
2 read as follows:

3       The flood control assistance account is hereby established in the  
4 state treasury. At the beginning of the 1997-99 fiscal biennium and  
5 each biennium thereafter the state treasurer shall transfer ((four))  
6 ten million dollars from the general fund to the flood control  
7 assistance account. Moneys in the flood control assistance account may  
8 be spent only after appropriation for purposes specified under this  
9 chapter or, during the 1997-99 fiscal biennium, for transfer to the  
10 disaster response account.

11       NEW SECTION. **Sec. 20.** The department of ecology shall work with  
12 federal agencies to develop a general permit to satisfy permit  
13 requirements of the federal clean water act (33 U.S.C. Sec. 401 et  
14 seq.) for flood management activities. It is the intent of the  
15 legislature that the additional requirements of an enhanced flood  
16 management plan, and only those requirements, establish eligibility to  
17 obtain a general permit.

18       NEW SECTION. **Sec. 21.** If specific funding for the purposes of  
19 this act, referencing this act by bill or chapter number, is not  
20 provided by June 30, 1998, in the omnibus appropriations act, this act  
21 is null and void.

22       NEW SECTION. **Sec. 22.** Sections 7 through 10, 18, and 20 of this  
23 act are each added to chapter 86.12 RCW.

--- END ---